UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 JAN -4 AM 10: '08 MJ 0027

UNITED STATES OF AMERICA, Plaintiff, v. **Francisco PEREZ-Morelos,** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 3, 2008** within the Southern District of California, defendant, **Francisco PEREZ-Morelos,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF **JANUARY 2008.**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Francisco PEREZ-Morelos

PROBABLE CAUSE STATEMENT

On January 3, 2008, Border Patrol Agents J. Rich and Justin Hinz were assigned to line watch duties on Otay Mountain. At approximately 5:00 a.m. the 56 scope site operator, Border Patrol Agent C. Loy, spotted four individuals hiking into an area known as the 64 Canyon. This area is located approximately three miles east of the Otay Mesa, California, Port of Entry and approximately one mile north of the United States/Mexico International Boundary. Agents Rich and Hinz responded to the area and began to hike and search the area and locating four individuals attempting to conceal themselves in brush. Both Agents identified themselves as United States Border Patrol Agents and proceeded to conduct an immigration interview. All four including one later identified as the defendant **Francisco PEREZ-Morelos**, admitted to being Mexican citizens illegally present in the United States without immigration documents that would allow them to enter or remain in the United States legally. All were placed under arrest and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **December 19, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admits to being a citizen and national of Mexico without any immigration to be in or remain in the United States legally, The defendant also admits to entering the United States illegally by jumping over the international border fence with three other illegal aliens.